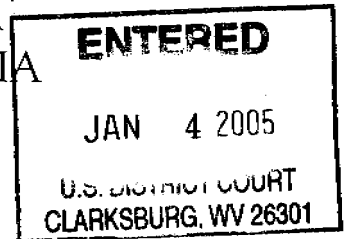


UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF WEST VIRGINIA
CLARKSBURG DIVISION



ORTHO-McNEIL PHARMACEUTICAL, INC., et al.

Plaintiffs,

JUDGMENT IN A CIVIL CASE

v.

Case Number: 1:02-cv-32

MYLAN LABORATORIES, INC., et al.

Respondent.

- ☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- ☒ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED as follows:

The Court concludes that Mylan fails to prove, by clear and convincing evidence, that the '407 patent is invalid due to prior invention, indefiniteness, inequitable conduct, obviousness or inherent anticipation. In light of Mylan's undisputed infringement, the Court **DECLARES** that making, using, selling, offering to sell, or importing the levofloxacin tablets described in ANDA Nos. 76-276 & 77-097 or bulk levofloxacin for use in manufacturing such tablets constitutes infringement of the '407 patent. The Court thus **ENJOINS** Mylan, its officers, agents, servants and employees from making, using, offering to sell, selling, or importing the levofloxacin tablets

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described in ANDA Nos. 76-276 & 77-097 or bulk levofloxacin for use in manufacturing such tablets. The Court also **ORDERS** that the effective date of the products described in ANDA Nos. 76-276 & 77-097 shall not precede the expiration of the '407 patent.

It is so **ORDERED**.

WALLY EDGELL, Ph.D., Clerk

By M. Somers
M. Somers, Deputy Clerk

January 4, 2005